

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
June 13, 2007 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Mark Kinser, Board member, presided No other Board members were present.

Joseph Haughwout appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made

Disc = Disciplinary Case

Lic = Licensing Application

RF = Recovery Fund Claim

Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant

A = Applicant

R = Respondent/Regulant

W = Witness


Atty = Attorney

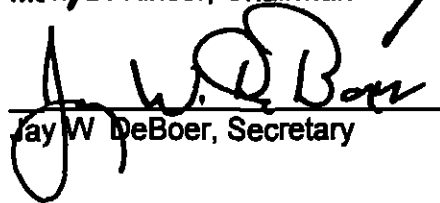
Participants

- | | |
|--|---|
| 1. Dominion Homes & Land Development Inc
File Number 2006-00520 (Disc)
(NO DECISION MADE) | Karen Foster – R |
| 2. Charles Mark Lambert
t/a Ragged Point General
File Number 2005-02140 (Disc)
(NO DECISION MADE) | Lambert – R
Judson Bellam Jr – C
Tina Lambert – W |
| 3. Troy Carden
t/a T & LC Improvements
File Number 2007-01780 (Disc)
(NO DECISION MADE) | None |
| 4. Danny D Stanley Sr
t/a Bristol Commercial and Industrial Builders
File Number 2007-01884 (Disc) | Stanley – R
James Kiser – W |
| 5. Art Suwannarute
t/a Arts Quality Painting
File Number 2006-05171 (Disc)
(NO DECISION MADE) | Gloria Anthony – C |

The meeting adjourned at 3.45 p.m.

BOARD FOR CONTRACTORS


Mark D. Kinser, Chairman


Jay W. DeBoer, Secretary

COPY TESTE:

Custodian of Records

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re Danny D Stanley Sr, t/a Bristol Commercial And Industrial Builders
Bristol, VA 24201

File Number 2007-01884
License Number 2705096791

CONSENT ORDER

Respondent Danny D Stanley Sr, t/a Bristol Commercial And Industrial Builders ("Danny D Stanley Sr") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Board's Regulations provides:

18 VAC 50-22-200. Remedial education, revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq) of Title 54.1 of the Code of Virginia, or any regulation of the board

Pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On April 20, 2007, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Danny D Stanley Sr at the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On June 13, 2007, the Informal Fact-Finding Conference ("IFF") convened at the Department of Professional and Occupational Regulation in Richmond, Virginia.

The following individuals participated at the conference: Danny D Stanley Sr, Respondent; James Kiser, Complainant; Joseph Haughwout and Kimberly Robinson, Staff Member; and Mark Kinser, Presiding Board Member.

During the IFF, Stanley gave considerable testimony regarding personal circumstances that occurred during the period he was involved with the project, including the passing of his daughter, which impacted his state of mind and judgment. Stanley also testified that he made attempts to assist the Kisers by allowing them to use his credit card to obtain building materials after J & J Builders had been terminated. At the time the violation occurred, Stanley had only been licensed for a few months and his daughter had recently passed. Based on these extenuating circumstances, Stanley exercised an error in judgment.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Danny D Stanley Sr, as evidenced by the signatures affixed below, enter into this Consent Order. Danny D Stanley Sr knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Danny D Stanley Sr acknowledges an understanding of the charges and hereby admits to the violation of the Count as outlined in the Report of Findings. Danny D Stanley Sr consents to the following term(s):

	Count 1	18 VAC 50-22-260.B.6	\$2,000.00

	SUB-TOTAL (MONETARY PENALTIES)		\$2,000.00
	BOARD COSTS		\$500.00
	TOTAL		\$2,500.00

Further, for violation of Count 1, Danny D Stanley Sr agrees to have a member of the Responsible Management successfully complete a Board-approved remedial education class.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. Danny D Stanley Sr acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Danny D Stanley Sr will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58 1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Danny D Stanley Sr acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period shall result in the automatic suspension of Danny D Stanley Sr's license until such time as there is compliance with all terms of this Order. Danny D Stanley Sr understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board

SEEN AND AGREED TO:

The undersigned represents and affirms that he/she has the authority to legally bind Danny D Stanley Sr, t/a Bristol Commercial And Industrial Builders, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Danny D Stanley Sr, t/a Bristol Commercial And Industrial Builders, shall be bound by its terms and conditions.

Signature

Date

Printed Name and Title

WITNESSED BY:

The individual named above signed this document in my presence.

Witness Signature

Date

Printed Name and Title

SO ORDERED:

Entered this _____ day of _____, 2007.

Board for Contractors

BY: _____
Jay W DeBoer, Secretary

EOO

**VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATIONS DIVISION
3600 WEST BROAD STREET
RICHMOND, VA 23230-4917**

REPORT OF FINDINGS

BOARD:	Board for Contractors
DATE	February 16, 2007 (revised April 19, 2007)
FILE NUMBER:	2007-01884
RESPONDENT	Danny D Stanley, Sr., t/a Bristol Commercial and Industrial Builders
LICENSE NUMBER	2705096791
EXPIRATION:	July 31, 2007
SUBMITTED BY:	Erin K. Thompson
APPROVED BY:	Janet Creamer

COMMENTS

Companion to File Number 2007-00035.

On February 25, 1992, Jerry Jackson & Jimmy Jackson, t/a Jerry & Jim Jackson Builders, was issued Class B contractor's license number 2705007679. On April 19, 2006, license number 2705007679 was suspended. On February 28, 1998, license number 2705007679 expired.

Danny D Stanley, Sr ("Stanley"), t/a Bristol Commercial and Industrial Builders, was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705096791).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On November 3, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information from Investigator Jonathan Darden ("Darden"), the Board's agent, regarding Stanley allegedly obtaining a permit for an unlicensed contractor (Exh. C-1)

1. Board Regulation

18 VAC 50-22-260 Filing of charges, prohibited acts

B The following are prohibited acts

6. Misconduct in the practice of contracting

Historical Notes.

Derived from VR220-01-2 1 §5 7, eff March 31, 1995, amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001

Print Date August 1, 2005

FACTS

In 2005, J & J Builders entered into a written contract, in the amount of \$183,000.00, with James and Joyce Kiser ("the Kisers") to construct a residence at Lot B-2, Acorn Street, Bristol, Virginia (Exh. W-1) However, J & J Builders is not a licensed contractor in Virginia (Exh. I-2)

On July 28, 2005, Stanley was issued Class A contractor's license number 2705096791 (Exh. I-4)

On October 31, 2005, Stanley applied for and obtained building permit number 22292 to construct a new residence at 142 Acorn Lane, Bristol, Virginia The permit reflected license number 2705096791 The permit stated that the Project Superintendent was Danny Stanley. J & J Builders was not listed on the permit. (Exh I-1 and I-3)

In June 2006, the Kisers terminated J & J Builders from the project due to construction defects and lack of communication. At that time, the Kisers took over construction of the project (Exh. W-2)

In a letter dated August 15, 2006, James Kiser stated that he learned in June 2006 that Stanley had obtained the permit instead of J & J Builders. The Kisers knew nothing of Stanley until the building inspector had discovered he obtained the permit for J & J Builders (Exh W-2)

On August 24, 2006, a Certificate of Occupancy was issued for the subject property (Exh I-3)

In a written response received on January 4, 2007, Stanley stated that he "agreed to get the permit with the stipulation that I [Stanley] would do a percentage of the work. Which to my knowledge is legal? I let Mr Jackson deal directly with the customer only because I thought they had been longtime acquaintances." Stanley also stated that he was going to do the framing on the subject property, but when it "came time. . .[Stanley] was too busy trying to get caught up on the other projects" and was unable to do so. Stanley also stated, "I talked with

Mr. Jackson and he agreed to sub it out to someone else and finish the project in a timely manner." (Exh. R-1)

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Mark Kinser
2. Title: Presiding Board Member
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on June 13, 2007
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest



Signature

June 13, 2007

Date